

Mr. Wilson offered the following amendment to the sixth amendment of the committee :

Strike out "four miles," and insert "eight sections of 440 acres each, to be located on any unappropriated public domain;" adopted, and amendment as amended was adopted.

On motion of Mr. Eddy, the bill was laid on the table.

Joint resolution instructing our Senators, and requesting the Representatives from Texas, to procure the passage of a law providing for the payment of the members of the company of Capt. William K. Elliott of Shelby county; read and ordered to be engrossed.

Mr. Taylor moved to reconsider the vote which concurred in the amendments of the House to a bill for the liquidation and payment of the debt of the late Republic of Texas, which motion was, on motion of Mr. Wilson, laid on the table.

On motion of Mr. Bogart, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Hart moved that the Senate adjourn until to-morrow morning 10 o'clock; carried by the following vote :

YEAS—Messrs. Bogart, Burks, Eddy, Hart, Reaves, Taylor, Truit and Williams—8.

NAYS—Messrs. Dancy, Davis, Duggan, Grimes, Merriman and Wilson—6.

FRIDAY, January 30, 1852.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read.

Mr. Dancy offered the following amendment to the journal :

Strike out "3 o'clock," and insert "met about 25 minutes before 3 o'clock, as the clock had been moved forward;" rejected by the following vote :

YEAS—Messrs. Bigelow, Dancy, Doane, Duggan and Scott—5.

NAYS—Messrs. Bogart, Burks, Davis, Eddy, Grimes, Hart, Hill, Merriman, Meusebach, Reaves, Taylor, Williams and Wilson—13.

Mr. Gray offered the following amendment :

After the word "met," insert "pursuant to adjournment, according to the clock in the Senate chamber, the index of which

had been put forward by some one, or run forward of its own accord, about thirty minutes during the time of recess."

On motion of Mr. Hill, the amendment was amended by adding "or gentlemen's watches varied from the true time."

The amendment, as amended, was rejected by the following vote :

YEAS—Messrs. Bigelow, Dancy, Doane, Duggan, Ford, Gray, Kinney and Scott—8.

NAYS—Messrs. Bogart, Burks, Davis, Eddy, Grimes, Hart, Hill, Merriman, Parker, Reaves, Sterne, Taylor, Williams and Wilson—14.

The journal was then adopted by the following vote :

YEAS—Messrs. Bogart, Burks, Davis, Eddy, Grimes, Hart, Hill, Merriman, Meusebach, Parker, Reaves, Sterne, Taylor, Williams and Wilson—15.

NAYS—Messrs. Dancy, Duggan and Scott—3.

Mr. Parker presented the petition of Lasa McKinzie ; referred to the committee on the Militia.

Mr. Grimes presented the memorial and supplemental memorial of James Schott and E. D. Whitney, and moved that they be spread on the journal.

On motion of Mr. Taylor, the motion to spread on the journal was laid on the table.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported correctly engrossed,

A bill concerning offences committed by negroes ;

A bill to incorporate the Vicksburg and El Paso Rail-road Company ; and

A joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of a law providing for the payment of the company of Capt. Wm. K. Elliott, of Shelby county.

Mr. Reaves, from the committee on the Judiciary, to which was referred a bill to amend the 7th section of an act concerning crimes and punishments, approved March 20, 1848, reported a substitute therefor, and recommended its adoption and passage.

Mr. Taylor made the following report :

Your committee on Private Land Claims, to whom was referred the petition of Charles A. Warfield, have considered the same, and find that Mr. Warfield did, in the year 1842, have located and surveyed two land certificates, known as Toby scrip, No. 624 and No. 631, in Robertson's land district, now Dallas county, and left the same in the land office at Springfield ; and some time thereafter the surveyor died, and the attorney for the

administrator of the estate of the surveyor, called soon thereafter, at the land office at Springfield, and demanded of the then surveyor, the above named land certificates, and receipted the surveyor for the same. From that time, it shows that Mr. Warfield has not heard from, or been able to find the certificates. He now prays the Legislature to cause patents to issue upon the surveys made as above stated.

Your committee are satisfied that Mr. Warfield made the surveys in good faith, and the patents would issue to him, doubtless, if he could produce the certificates. The premises considered, I am instructed to report a bill for his relief, for the consideration of the Senate. All of which is respectfully submitted.

A bill for the relief of Charles A. Warfield ; read first time.

Mr. Gray, chairman of the committee on the Judiciary, to which were referred a bill to remove certain papers from the county seat of Austin county and place them in the General Land Office, and a bill to quiet the titles to lands in and near Burnet's colony, reported the same back to the Senate and recommended their passage.

Mr. Gray made the following report :

The committee on the Judiciary ask to be discharged from the further consideration of the enclosed bills, relating to colonists in Peters' colony, which have already been acted on in the general bill relating to that subject passed by the Senate.

Mr. Gray, from the same committee, reported back to the Senate, for its action, a bill supplementary to an act granting certain powers to the corporation of Galveston city, approved December 5, 1851.

Mr. Gray also made the following report :

January 29, 1852.

The committee on the Judiciary have considered a bill to repeal "a joint resolution for the punishment of vagrants," and instruct me to report—that, in their opinion, vagrants (sometimes denominated "loafers") are a class of the community deserving the compassion and commiseration of working men, who have their loaf and glass per day ; and instead of making them subjects of legal inquisition and persecution, when it is notoriously known that the law delights to feed on richer food, and rarely exerts itself to draw blood out of turnips, they should be made honorary members of the county work-houses. The committee believe the bill would have this humane and benevolent result, and recommend its speedy passage, with prosperity to vagrants.

P. W. GRAY.

Mr. Davis, chairman of the committee on State Affairs, made the following report :

The committee on State Affairs, to whom was referred the petition of Samuel A. Belden, a citizen of the county of Cameron in this State, have had the same under consideration, and find that on or about the 15th day of March, 1850, the Mexican Government, through her officers, made an illegal and iniquitous seizure of a large amount of tobacco at Saltillo, the property of Samuel A. Belden & Co., American merchants, the said Belden a resident of this State, and mulcted his said house in a large fine ; in default of the payment of which, subjecting the said Belden to incarceration. That this was in express violation of the 19th article of the late treaty between Mexico and the United States, and such a flagrant outrage upon the commerce, rights and liberty of a citizen of this State, as to call for the prompt interposition of the United States. I am, therefore, instructed to report the following resolution.

Joint resolution instructing our Senators, and requesting our Representatives in Congress, to use their exertions to obtain indemnity from the Government of Mexico, for spoliations committed upon the property of Sam'l A. Belden ; read first time.

Mr. Davis, from the committee on Internal Improvements, to which was referred a bill incorporating the Texas and Louisiana Rail-road Company, reported a substitute for the same, and recommended its passage.

Mr. Grimes made the following report :

AUSTIN, January 29, 1852.

The committee on Finance, to which was referred a bill for the relief of McKinney & Williams, have had the same under consideration. It appears that McKinney & Williams have hypothecated a portion of their claims against the late Republic, so that they could not submit the same to the Auditor and Comptroller, as required by the act passed the 20th March, 1848, to ascertain the debt of the late Republic of Texas. They, therefore, pray to be allowed the benefit of their claims in the same manner as though they had have filed their claims as required under the above recited act. They represent, that if they can have the assurance of receiving their pay, they can obtain the control of that portion of their claims that they have been compelled to hypothecate. It is represented to your committee, that there are other creditors in a like condition. Your committee are of opinion, that the confidence of creditors in the ability and integrity of Texas to pay her debts, should not operate to the ruin of those who, through sympathy or zeal for our cause, have

advanced their means with a liberality beyond their ability. The committee have, therefore, instructed me to report a general bill, and recommend it to the favorable consideration of the Senate.

JESSE GRIMES, Chairman.

A bill for the relief of persons who have hypothecated their evidence of claim against the late Republic of Texas; read first time.

Mr. Duggan made the following report :

SENATE CHAMBER, Jan. 30, 1852.

To the President of the Senate :

The committee on Enrolled Bills have examined the following:

An act for the relief of Brigadier General Edward H. Tarrant;

An act changing the names of Antoinett Scott and Sidney Way ;

An act to amend the 13th, 16th and 17th sections of the act to incorporate the Buffalo Bayou, Brazos and Colorado Rail-road Company ;

An act supplementary to an act entitled an act to locate permanently the county seat of Lavaca county ;

An act to provide for the service of process issuing from justices courts in certain cases ;

An act supplementary to an act entitled an act to amend the seventh section of an act entitled an act to organize the Supreme Court of the State of Texas, approved May 12th, 1846 ;

An act to incorporate the town of Clarksville in Red River county.

All of which are correctly enrolled, and were on yesterday deposited with the Governor for his approval.

T. H. DUGGAN, Chairman.

Mr. Eddy introduced a bill to change and define the boundaries of the counties of Sabine and Jasper ; read first time.

A message was received from the House, informing the Senate that the House had passed a substitute for the relief of Thomas P. Crosby ;

Also, that the House had passed a bill, originating in the Senate, to legalize the official acts of Talbot Chambers, as commissioner of titles for Milam's colony ;

Also, that the House concurred in the amendments of the Senate to the following bills, viz :

A bill for the relief of William McFarlin ;

A bill to incorporate the Clarksville and Mount Pleasant Turnpike Company ; and

A bill for the relief of John B. Thacker.

Also, that the House had passed the following bills which originated in that body, to wit:

- A bill for the relief of Jacob Shannon;
- A bill for the benefit of the heirs of Stephen Wiley, deceased;
- A bill for the relief of Isaac G. Parker;
- A bill authorizing the Governor to obtain a portrait of George Washington, belonging to the State and now in the city of Houston;
- A bill to amend the first section of an act for the relief of Greenberry Logan and Joseph Taylor, approved February 8, 1850;
- A bill to incorporate the town of Lockhart, in Caldwell county;
- A bill for the relief of Wright Coley, of Robertson county;
- A bill for the relief of Walter Barclay;
- A bill to give certain civil and criminal jurisdiction to the mayor of the city of Marshall, in Harrison county;
- A bill for the relief of the heirs of Elizabeth Porter, deceased;
- A bill for the relief of Henry J. McKenzie, a colonist of Mercer's colony;
- A bill for the relief of John E. Linn;
- A bill relinquishing the title of the State to lots on Galveston Island in the possession of actual settlers, purchased under the patent issued to Levi Jones and Edward Hall;
- A bill to authorize the county court of Limestone county to levy, and cause to be collected, toll on all persons, horses, cattle, hogs, sheep, carriages and wagons passing over the bridge recently built across the Navisoto river at Springfield;
- A bill to define more correctly the boundaries of San Patricio county;
- A bill for the relief of Jacob De Cordova and Isaac D. Parker;
- A bill for the relief of John Blair;
- A bill for the relief of Levi Korn;
- A bill to make valid the record of certain marriage licenses;
- A bill for the relief of Robert Bartlett;
- A bill to remove from Austin county, and place in the General Land Office, certain land papers herein named;
- A bill to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of land commissioners of Upshur county, under certain restrictions;
- A bill to incorporate the Grand Bluff Turnpike Company;
- A bill to incorporate the Dallas Bridge and Plank-road Company;
- A bill to incorporate the town of Paris;
- A bill for the relief of the heirs of W. C. Hendricks;
- A bill granting 320 acres of land to each of the three twin

children of Mrs. Susan J. Dooley and Littleton J. Dooley, of Rusk county; and

Joint resolution for the relief of Robert M. Elgin, receiving clerk of the General Land Office.

The message of the Governor, returning to the Senate a bill to be entitled "an act confirming the action of the Auditor and Comptroller under the provisions of an act of the Legislature to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, and the act supplementary thereto, approved February 8, 1850," and filed with the Secretary of the Senate on yesterday, was taken up and read as follows:

EXECUTIVE DEPARTMENT, }
Austin, Jan. 29, 1852. }

Gentlemen of the Senate:

It is a matter of much regret to me, that I am compelled by a sense of my duty as the Chief Executive Magistrate of the State, to return to you unsigned, the act entitled "an act confirming the action of the Auditor and Comptroller, under the provisions of an act of the Legislature, to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848, and the act supplementary thereto, approved February 8, 1850."

I have, both in my official capacity, and as a private citizen, expressed my approbation of, and concurrence in the justice of the general basis upon which the Auditor and Comptroller have classified the public debt of Texas, and the value assigned to them; but there is no general rule without its exceptions; and with those officers, I do think that there are cases of individual hardship to which an application of the general basis, upon which they felt themselves constrained to act, does not render justice. By reference to the report of the Auditor and Comptroller, it will be found that they use the following language in respect to such cases: "In the average value assigned to the consolidated fund of the 6th June, 1837, there came to our knowledge a few cases of hardship, where the government had received full consideration for the original obligations which had been converted into this fund, and yet owned by the original investor. Had we departed from the rate we had assigned to this or any other character of liability, in one instance, no matter how justifiable, others not possessing the same merit would have claimed it, and the consequence would have been, that but few claimants would have been satisfied with any other classification than that of par. For this reason, we determined,

in all instances, to adhere to the rate affixed to each class, and report such cases of hardship as might arise to the Legislature, in order that such relief may be awarded in the premises as appears to be just. We therefore accompany this report with a statement, marked 'C,' of such cases, and hope the same will receive your favorable consideration. In this connection, we refer you to the communication of Dr. John W. King, upon the subject of his claim, which is enclosed in the statement last named."

It is apparent from this, that the officers themselves, who classified the liabilities of Texas, and affixed the general value of the same, thought that there were cases to which the rule they established ought not to apply, and which the Legislature should relieve.

It is believed by me, that the passage of the law in question, in the general terms in which it is couched, without any reservation or saving of special claims, proscribes the "cases of hardship," mentioned by the Auditor and Comptroller. I think it would clearly preclude the present Legislature from relieving the same, and render it extremely doubtful whether they could be considered by any future Legislature, without an absolute repeal of the law. If there are cases in which the scale acted upon by the Auditor and Comptroller, and now proposed to be adopted by the Legislature without any qualification, will operate unjustly to certain creditors eminently entitled to the consideration and protection of the government, it would seem proper that though their claims be now postponed, that they should at least be left open for examination and equitable adjustment. It is my anxious wish to see the State of Texas, at this time attracting universal attention, assume a position in reference to her debt which will not only command the admiration of her sister States and of Foreign powers, but save her also from any just charge of repudiation. So far as lies in my power, I desire every creditor of Texas to have what in justice and equity is due him. Such, too, I believe, is the sentiment of the people at large, and of the Legislature. I, however, well know that men equally patriotic and honest, differ in their opinions about all measures of public policy, and in returning the bill referred to, to the House in which it originated, without my signature, I have only exercised a constitutional privilege, with respectful deference to the Honorable Legislature. If contrary to my opinion, both Houses shall think the passage of the act in question, will not operate unjustly and

oppressively in some cases, let it be passed. I will, at least, have done what I conceived to be my duty, in withholding my assent from it.

Having thus briefly expressed my reasons for objecting to this bill, I now return it to you for your final action.

P. H. BELL.

A BILL

To be entitled an act confirming the action of the Auditor and Comptroller under the provisions of an act of the Legislature, to provide for ascertaining the debt of the late Republic of Texas, approved March 20th, 1848, and the act supplementary thereto, approved February 8, 1850.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the rate of payment and classification assigned to each class of debt of the late Republic, by the Auditor and Comptroller, under the provisions of an act entitled "an act for ascertaining the debt of the late Republic of Texas," approved March 20th, 1848, and the act supplementary thereto, approved February 8, 1850, as reported by said officers in their report to the Legislature, of date the 12th of November, 1851, is hereby recognized and adopted by the State of Texas; and the value assigned to each class of liabilities by said officers in their report aforesaid, is what the State of Texas recognizes as due to the respective claimants.

DAVID C. DICKSON,

Speaker of the House of Representatives.

JAMES W. HENDERSON,

President of the Senate.

On motion of Mr. Bigelow, a call of the Senate was made.

Mr. Bigelow moved that the message and bill be made the order of the day for to-morrow at 11 o'clock; carried by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Doane, Duggan, Ford, Gray, Grimes, Hill, Kinney, Merriman, Parker, Sterne, Truit, Williams and Wilson—17.

NAYS—Messrs. Burks, Eddy, Hart, Meusebach, Reaves, Scott and Taylor—7.

A message was received from the House, asking that a bill for the relief of John B. Thacker be returned to the House of Representatives.

On motion of Mr. Taylor, the Secretary was directed to return it.

On motion of Mr. Kinney, the Senate adjourned until 3 o'clock p. m.

THREE O'CLOCK P. M.

Senate met—roll called—quorum present.

On motion of Mr. Taylor, the motion to re-consider the vote which concurred in the amendment of the House to a bill providing for the liquidation and payment of the debt of the late Republic of Texas, was taken up, and, by leave, was withdrawn.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported a bill for the relief of David Andrews correctly engrossed.

A message was received from the House, informing the Senate that the House had passed a bill, which originated in the Senate, to encourage the reporting of the decisions of the Supreme Court.

Mr. Duggan, chairman of the committee on Enrolled Bills, reported a bill providing for the liquidation and payment of the debt of the late Republic of Texas correctly enrolled, and that the same has this day been deposited with the Governor for his approval.

Joint resolution instructing our Senators and requesting our Representatives to procure the passage of a law providing for the payment of the company of Captain William K. Elliott, of Shelby county, who were called out by Governor Henderson, under a requisition of the United States officers; read third time and passed.

A bill concerning offences committed by negroes; read third time.

Mr. Wilson offered the following amendment:

"Sec. 19. That a regular term of the county court for the trial of negroes may be had on the first Monday in every month, when the court shall deem it necessary; and any such term at which a trial shall be begun, may be continued from day to day till such trial is concluded." Adopted.

Mr. Bigelow offered the following amendment:

Amend by adding "a jury of freeholders, one-half of whom shall be slaveholders." Adopted, and bill passed.

A bill making appropriations for the use and support of the State Government for the years 1852 and 1853.

Mr. Bigelow offered the following amendment:

Under the head of "miscellaneous," insert "To Fleeceon and Palmer for publishing, in the American Flag in 1847, the laws of Texas relating to elections and orders of elections, in English and Spanish, fifty dollars." Adopted.

Mr. Eddy moved to strike out all that relates to clerk in Treasurer's Office; lost.

Mr. Eddy moved to strike out "4 clerks" in Comptroller's Office, and insert "three clerks"; lost.

Mr. Grimes offered the following amendment:

Insert "expenses incurred in the necessary repairing and furnishing the Attorney-General's Office, upon the accounts being approved by the Comptroller of Public Accounts, \$377 00."

Mr. Grimes offered the following amendment:

"To F. Giraud, for furnishing plans and sketches with estimates of a building intended for the capitol of the State of Texas, travelling expenses, &c., \$350."

On motion of Mr. Taylor, the amendment was laid on the table.

Mr. Eddy offered the following amendment:

"Two hundred dollars for the survey of university lands"; adopted.

Mr. Parker offered the following amendment:

"To Jacob Snively for surveying Toby land scrip, \$54"; rejected, and bill ordered to be engrossed.

On motion of Mr. Meusebach, the amendment offered by Mr. Grimes, and papers relating to Mr. Giraud's account, was taken up and referred to the committee on Finance.

Mr. Dancy introduced a joint resolution relative to abolishing the franking privilege and the pre-payment of letter postage; read first time.

On motion of Mr. Eddy, a bill to establish the New Orleans, Texas and Pacific Rail-way Company; for the extension of the New Orleans, Algiers, and Opelousas rail-road through Texas, was taken up.

Mr. Eddy offered a substitute for the bill, which was adopted and ordered to be engrossed.

Mr. Williams presented the petition of Elijah Emberson; referred to the committee on Private Land Claims.

On motion of Mr. Merriman, the report of the committee on Internal Improvements, on a bill for the incorporation of the Texas Central Rail-road Company, offering a substitute therefor, was taken up, and substitute adopted and ordered to be engrossed.

On motion of Mr. Scott, the rule requiring reports to lay on the table one day was suspended, and the report of the committee on Internal Improvements, on a bill incorporating the Texas and Louisiana Rail-road Company, offering a substitute therefor, was taken up, substitute adopted and ordered to be engrossed.

On motion of Mr. Bigelow, a bill to incorporate the Brownsville Rail-road Company was taken up, read and ordered to be engrossed.

On motion of Mr. Merriman, a bill supplementary to the act

establishing the Galveston and Red River Rail-way Company, together with the report of the committee on Internal Improvements thereon offering a substitute therefor, was taken up, substitute adopted and ordered to be engrossed.

Joint resolution proposing an amendment to the constitution of the State of Texas; read, and on motion of Mr. Taylor, laid on the table.

On motion of Mr. Sterne, a bill for the relief of William Goyens was taken up and placed among the orders of the day.

On motion of Mr. Davis, a bill making an appropriation for the improvement of the rivers was taken from the table, and on motion of Mr. Meusebach, made the special order of the day for Monday next.

A bill for the relief of Michael Pevetot, jr., and Michael J. Brake; read and ordered to be engrossed.

Joint resolution to amend the third section of the fourth article of the constitution; read, and on motion of Mr. Bigelow, postponed until Monday next.

On motion of Mr. Williams, joint resolution relative to money due the State from the government of the United States was taken up, read third time and passed.

On motion of Mr. Taylor, a bill concerning surveys of land was taken from the table and read.

Mr. Parker moved to amend the bill by striking out the proviso in the 4th section; rejected, and bill passed to a third reading.

On motion of Mr. Taylor, the rule was suspended, bill read third time and passed.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, January 31, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor made the following report:

The committee on Private Land Claims, to whom was referred the petition of Elijah Emberson, have considered the same, and find from the facts set forth, that Mr. Emberson was a citizen of Texas at the declaration of independence, and arrived at the age of 17 years, in the month of April 1840. Under the